

IN RE: PETITION FOR VARIANCE  
E/S Manor Road, 590' SW of  
Long Green Pike  
(12631 Manor Road)  
11th Election District  
6th Councilmanic District

J. Lewis Breidenbaugh, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 97-365-A

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance for that property known as 12631 Manor Road, located in the vicinity of Long Green Road in Glen Arm. The Petition was filed by the owners of the property, J. Lewis and Edna E. Breidenbaugh. The Petitioners seek relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard set-back of 21 feet in lieu of the required 50 feet for an existing dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Lewis Breidenbaugh, property owner, Eugene F. Raphel, Professional Land Surveyor who prepared the site plan for this property, and Louis Fleury, Esquire, attorney for the Petitioners. Two neighbors appeared in support of the Petitioner's request. There were no Protestants.

Testimony and evidence offered revealed that the subject property is a rectangularly shaped parcel, approximately 110 feet wide by 986 feet deep, and consists of a gross area of 2.96 acres, more or less, split zoned R.C.5 (1.0 acres) and R.C.2 (1.96 acres). The front portion of the site, zoned R.C.5, is improved with a single family dwelling and accessory

ORDER RECEIVED FOR FILING  
Date 4/14/99  
By [Signature]

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shed. The rear portion of the property, zoned R.C.2, is unimproved. The Petitioners are desirous of subdividing their property to create a building lot for their grandson. Testimony revealed that Mr. Breidenbaugh is nearly 85 years of age and has resided on the subject property for many years. His grandson wishes to live closer to him to provide support and care in his elder years. The front portion of the site, proposed Lot 1, would contain the existing improvements. Proposed Lot 2, would be developed with a single family dwelling for Mr. Breidenbaugh's grandson. Access to Lot 2 would be provided by an extension of the existing driveway which runs along the southwest side of the subject property. However, this driveway is located only 21 feet from the existing dwelling and a 50-foot setback is required. Therefore, in order to proceed with the proposed improvements, the requested variance is necessary. Further testimony indicated that the proposed dwelling will meet all setback requirements.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

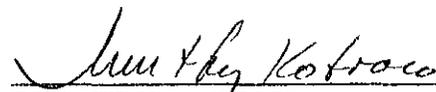
Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14<sup>th</sup> day of April, 1997 that the Petition for Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 21 feet in lieu of the required 50 feet for an existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

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Date 4/14/97  
By [Signature]



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

April 14, 1997

Lewis L. Fleury, Esquire  
424 Woodbine Avenue  
Towson, Maryland 21204

RE: PETITION FOR VARIANCE  
E/S Manor Road, 590' SW of Long Green Pike  
(12631 Manor Road)  
11th Election District - 6th Councilmanic District  
J. Lewis Breidenbaugh, et ux - Petitioners  
Case No. 97-365-A

Dear Mr. Fleury:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. J. Lewis Breidenbaugh  
12631 Manor Road, Glen Arm, Md. 21057

Mr. Eugene F. Raphel  
205 Courtland Avenue, Towson, Md. 21204

People's Counsel; Case File

APR 14 1997



# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 12631 Manor Road  
97-365-A which is presently zoned RC-51

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

To be discussed at hearing

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

VARIANCE FROM REGULATION PA04.3.B.3 TO ALLOW  
A 21'± SIDEYARD SETBACK IN LIEU OF THE REQUIRED 50'  
(REASONS TO BE DISCUSSED AT HEARING)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s):

J Lewis Breidenbaugh  
(Type or Print Name)

J. LEWIS BREIDENBAUGH  
Signature

EDNA E BREIDENBAUGH  
(Type or Print Name)

Edna E. Breidenbaugh  
Signature

12631 ~~MANOR~~ MANOR RD 410  
Address Phone No. 592-7302

GLENARM, MD 21057  
City State Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr  
unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL  OTHER \_\_\_\_\_

REVIEWED BY: CAM DATE 26 Feb 97

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305

ORDER RECEIVED FOR FILING

Date 4/14/97  
By [Signature]

Printed with Soybean Ink on Recycled Paper



E. F. RAPHEL & ASSOCIATES

*Registered Professional Land Surveyors*

205 COURTLAND AVENUE

TOWSON, MARYLAND 21204

OFFICE: 828-3908

RESIDENCE: 771-4592

97-365-A

12631 Manor Road

Beginning for the same at a point in the center of Manor Road at a distance of 590' +/- southwesterly from the center line of Long Green Road at the end of the fourth line of the land described in Liber T.B.S. 1884 folio 41 from O. G. Warfel to J. L. Breidenbaugh, running thence in the center of Manor Road S 35°-10' W 130.33', thence leaving Manor Road and binding on the outline of Bradenbaugh S 52°-00' E 986.22', N 38°-17'-00" E 130.17' and N 52°-00' E 993.30' to the place of beginning. Containing 2.96 Ac. more or less.

# CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/13, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/13, 1997.

THE JEFFERSONIAN,

*A. Henickson*  
LEGAL AD. - TOWSON

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Case No. 97-385-A on the variance identified herein as follows:

Case: #97-385-A  
12831 Manor Road  
ES Manor Road, 590'  
SW of Long Green Pike  
11th Election District  
9th Councilmanic

Legal Owner(s):  
J. Lewis Breidenbaugh and  
Edna E. Breidenbaugh

Variance: to allow a 21' +/- side yard setback in lieu of the required 50 feet.

Hearing: Friday, April 4, 1997 at 10:00 a.m. in Rm. 106, County Office Building.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

3/188 March 13 - C126339

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 032668

DATE: 26 Feb 97  
ACCOUNT: R-001-6150  
CAM 97-365-A  
AMOUNT: \$ 50.00  
RECEIVED FROM: J. Lewis Beiderbaugh  
FOR: Variance 12631 Manor Rd  
DIS. BY: [Signature] 03A21H0029M1CHR1  
BA COLL: 29AM02-26-97 \$50.00  
VALIDATION OR SIGNATURE OF CASHIER

97-365-A

DIS. BY: [Signature] WHITE - CASHIER  
PINK - AGENCY YELLOW - CUSTOMER  
VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING

RE: Case No.: 97-365-A

Petitioner/Developer: J.L. BREIDENBAUGH, ETAL

Date of Hearing/Closing: 4/4/97

FRI. @ 10:00 AM  
RM 106 C.O.B.

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law  
were posted conspicuously on the property located at #12631 MANOR RD.

The sign(s) were posted on 3/17/97  
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 3/18/97

(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

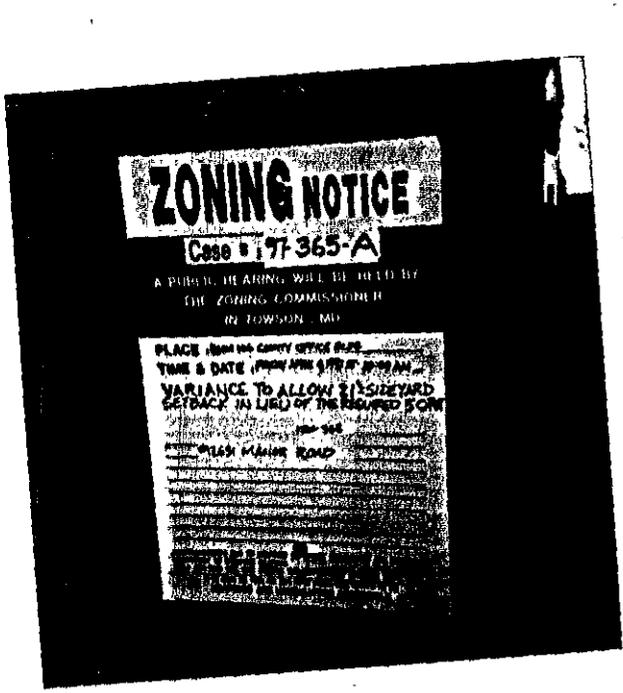
Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

Pager (410) 646-8354

(Telephone Number)





Baltimore County  
 Department of Permits and  
 Development Management

Development Processing  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

\_\_\_\_\_  
 ARNOLD JABLON, DIRECTOR

-----  
 For newspaper advertising:

Item No.: 365

Petitioner: J. Lewis Breidenbaugh

Location: 12631 Manor Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: J Lewis Breidenbaugh

ADDRESS: 12631 Manor Rd

Glen Arm, MD 21057

PHONE NUMBER: 410-592-7302

AJ:ggs

(Revised 09/24/96)

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365

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than \_\_\_\_\_.

Format for Sign Printing, Black Letters on White Background:

# ZONING NOTICE

Case No.: 97-365-A

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD

PLACE: \_\_\_\_\_

DATE AND TIME: \_\_\_\_\_

REQUEST: To allow a sideyard setback of 21 feet in lieu of the required 50 feet

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3391.

**DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW**

**HANDICAPPED ACCESSIBLE**

TO: PUTUXENT PUBLISHING COMPANY  
March 13, 1997 Issue - Jeffersonian

Please forward billing to:

J. Lewis Breidenbaugh  
12631 Manor Road  
Glen Arm, MD 21057  
592-7302

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-365-A  
12631 Manor Road  
E/S Manor Road, 590' SW of Long Green Pike  
11th Election District - 6th Councilmanic  
Legal Owner(s): J. Lewis Breidenbaugh and Edna E. Breidenbaugh

Variance to allow a 21'+/- side yard setback in lieu of the required 50 feet.

HEARING: FRIDAY, APRIL 4, 1997 at 10:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

March 7, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-365-A  
12631 Manor Road  
E/S Manor Road, 590' SW of Long Green Pike  
11th Election District - 6th Councilmanic  
Legal Owner(s): J. Lewis Breidenbaugh and Edna E. Breidenbaugh

Variance to allow a 21'+/- side yard setback in lieu of the required 50 feet.

HEARING: FRIDAY, APRIL 4, 1997 at 10:00 a.m. in Room 106, County Office Building.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: J. Lewis and Edna Breidenbaugh

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 20, 1997.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

March 27, 1997

Mr. and Mrs. J. Lewis Breidenbaugh  
12631 Manor Road  
Glen Arm, MD 21057

RE: Item No.: 365  
Case No.: 97-365-A  
Petitioner: J. Breidenbaugh, et ux

Dear Mr. and Mrs. Breidenbaugh:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on February 26, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)





**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary  
Parker F. Williams  
Administrator

Ms. Roslyn Eubanks  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County 3-11-97  
Item No. 365 CAM

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'P. J. Gredlein'.

for Ronald Burns, Chief  
Engineering Access Permits  
Division

LG

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Permits and Development  
Management

**DATE:** March 10, 1997

**FROM:** Pat Keller, Director  
Office of Planning

**SUBJECT:** Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 339, 357, 360, 361, 364, 365, 366, and 367

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Emily L. Kerns

PK/JL

B A L T I M O R E   C O U N T Y,   M A R Y L A N D

I N T E R O F F I C E   C O R R E S P O N D E N C E

TO:           Arnold Jablon, Director  
              Department of Permits & Development  
              Management

Date:   March 17, 1997

FROM:         Robert W. Bowling, Chief  
              Development Plans Review Division

SUBJECT:      Zoning Advisory Committee Meeting  
              for March 17, 1997  
              Item No. 365

The Development Plans Review Division has reviewed the subject zoning item. If variance is granted, the created lot will be subject to the development regulations governing panhandle lots.

RWB:HJO:jrb

cc:   File

ZONE317.365

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

DATE:

14 May 97

TO:

- \*OPCC, Development Review— Mr. McDaniel
- \*PDM, Zoning Review - Mr. Richards
- PDM, Street Names & House Numbers -Mr. Putty
- \*PDM, Develop. Plans Review - B. Bowling
- PDM, Real Estate - Mr. Houk
- \*DEPRM, PDR, Dev. Cord. - Mr. Seeley
- DEPRM, EIR - Ms. Farr
- \*DEPRM, PDR, SWM - Mr. Wirth
- Recreation & Parks - Mr. Grossman
- Fire Department - Lt. Sauerwald
- SHA - Mr. Small

- .....
- Please indicate here if your agency requires:
  - The Office of Law/Real Estate to acquire.
  - REQUESTED BY:
  - HIGHWAY WIDENING \_\_\_\_\_
  - FOREST BUFFER \_\_\_\_\_
  - GREENWAY \_\_\_\_\_
  - FLOODPLAIN \_\_\_\_\_
  - DRAINAGE/UTILITY EASEMENT \_\_\_\_\_
  - PUB WORKS AGREEMENT \_\_\_\_\_
  - NONE OF THE ABOVE \_\_\_\_\_
- .....

FROM:

Kate Milton  
PDM, Zoning Review

SUBJECT:

Project Name: Beeidenbaugh  
 Project Number: 97-034-M  
 District: Rapla  
 Engineer:  
 Telephone Number: 825-3908

ACTION REQUESTED:

- Panhandle Minor CRG Plan Review
- Minor Subdivision Review
- Pre-Approved Building Permits

Please provide separate comments for Building Permits.  
 NOTE: Please detail any comments where permit cannot be approved, but subdivision approval is acceptable.

Please review the attached plan for compliance with current regulations and return comments to me by 4 June 97. If you have no comments or do not need to review this plan, please indicate by placing your initials here CMH. NON-RESPONSIVENESS BY THE ABOVE DATE IS CONSIDERED TO BE CONCURRENCE BY YOUR OFFICE OF THE PLAN.

Plan Please dist zoning case 97-365-A History on the

MICROFILMED

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

March 12, 1997

Arnold Jablon, Director  
Zoning Administration and Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW  
Location: DISTRIBUTION MEETING of March 10, 1997.

Item No.: SEE BELOW                      Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

355, 356, 357, 358, 359, 360, 361, 362, 364, 365, 366, & 367



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 3/13/97

FROM: R. Bruce Seeley .  
Permits and Development Review  
DEPRM

SUBJECT: Zoning Advisory Committee  
Meeting Date: March 14, 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 353                      367  
              356  
              358  
              359  
              360  
              361  
              362  
              363  
              364  
              365

RBS:sp

BRUCE2/DEPRM/TXTSBP

**#360 --- JCM**

**PETITION PROBLEMS**

1. Need printed name and title of person signing for legal owner.
2. Need signature of attorney.
4. Need additional fee for SPH (fixed on 3/5/97).
3. Sign form is incomplete.

**#363 --- MJK**

1. Sign form is incomplete.

**#364 --- JRF**

1. Need authorization for J. Stevenson Peck to sign for legal owner.
2. No attorney listed on the folder.
3. Sign form is incomplete.

**#365 --- CAM**

1. Petition says zoning is "R.C.-5/R.C.-2", folder says zoning is "R.C.-5", which is correct??
2. Sign form is incomplete.

RE: PETITION FOR VARIANCE  
12631 Manor Road, E/S Manor Road,  
590' SW of Long Green Pike  
11th Election District, 6th Councilmanic

J. Lewis and Edna E. Breidenbaugh  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 97-365-A

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

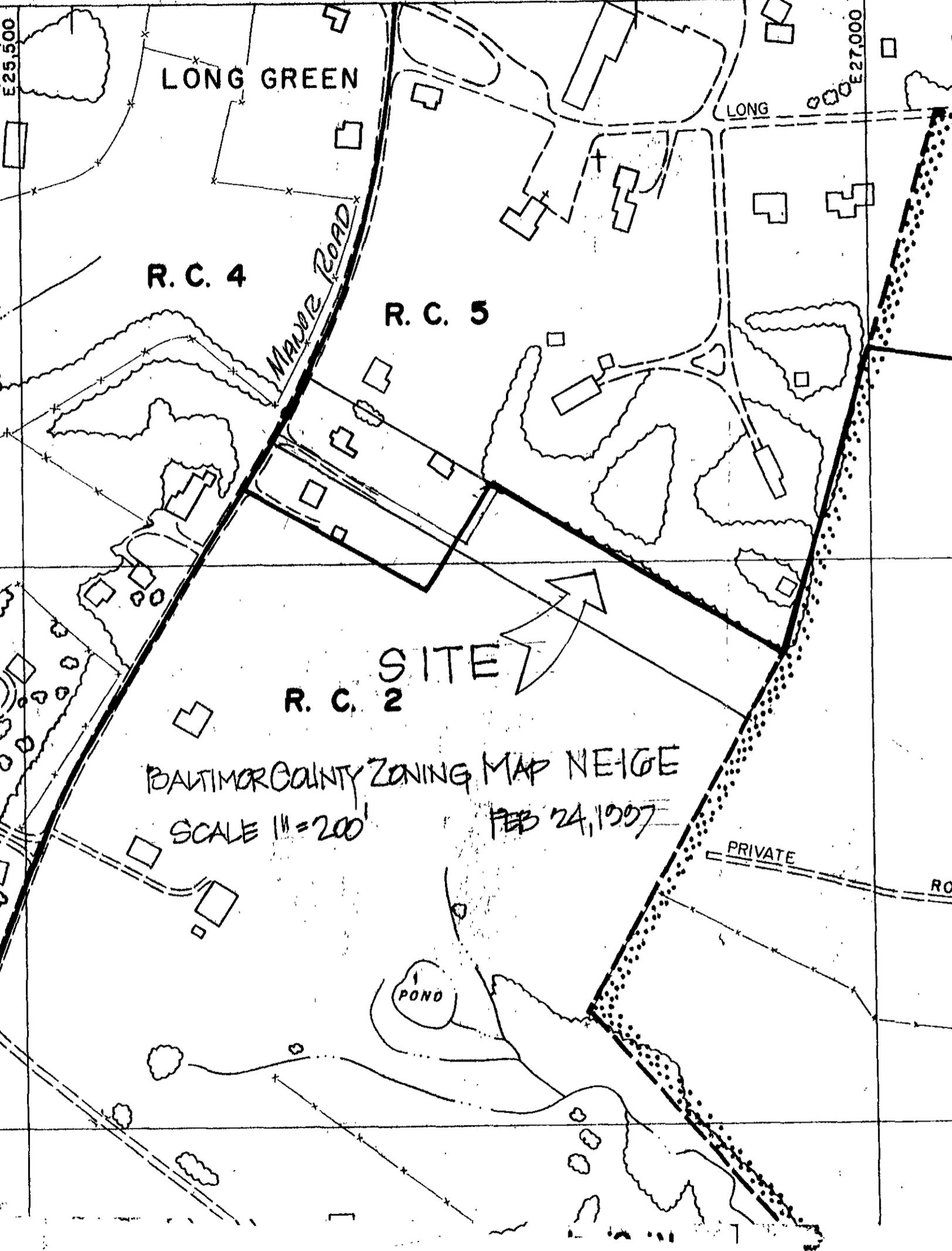
Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28<sup>th</sup> day of March, 1997, a copy of the foregoing Entry of Appearance was mailed to J. Lewis and Edna E. Breidenbaugh, 12631 Manor Road, Glenarm, MD 21057, Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

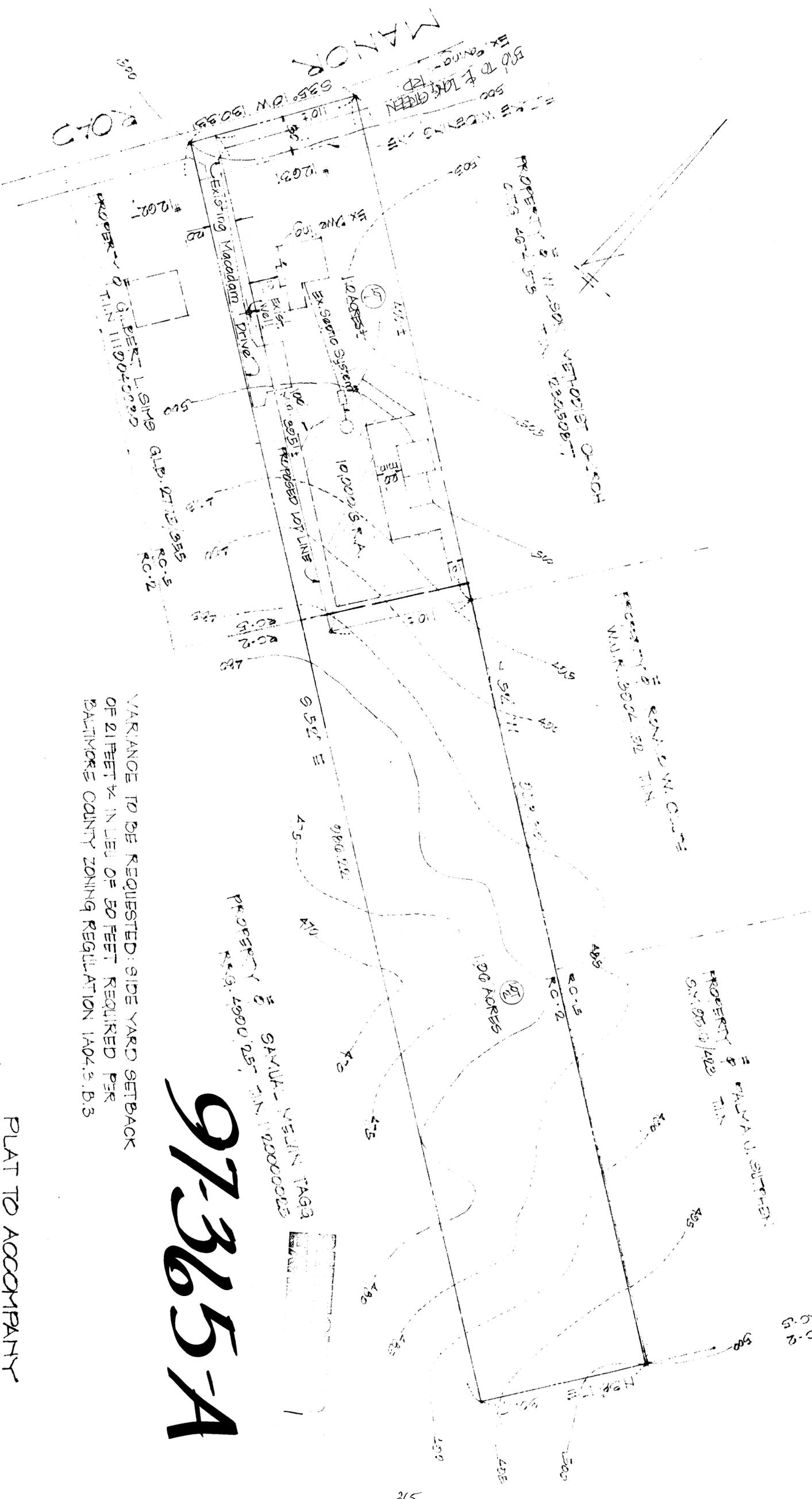
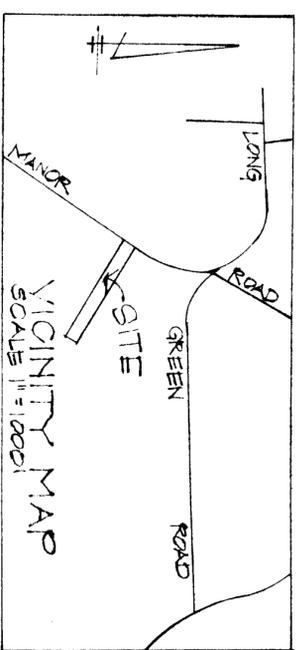


97-365-A

MIC 365

**GENERAL NOTES**

1. AREA OF PROPERTY ..... 2.06 ACRES ±
2. EXISTING ZONE ..... RC-5 & RC-2
3. PRIVATE WELL & SEPTIC SYSTEM
4. THIS SITE IS NOT IN A FLOOD PLAIN, NO PRIOR ZONING HEARINGS ON THIS SITE
5. ZONING MAP (200 SCALE) = NE 16 E
6. 6TH COLONIALMANIC DISTRICT



VARIANCE TO BE REQUESTED: SIDE YARD SETBACK OF 21 FEET 1/2 IN LIEU OF 50 FEET REQUIRED PER BALTIMORE COUNTY ZONING REGULATION 1A04.3.B.3

**97-365-A**

**PREPARED BY:**

E.P. RAFFIEL & ASSOCIATES  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 205 COURTLAND AVENUE • TOWSON, MD 21204  
 PHONE (410) 825-3008

**OWNER:**

LEWIS J. BREIDENBAUGH  
 12691 MANOR ROAD  
 FORT MARYLAND  
 PHONE: 410-592-7502

**PLAT TO ACCOMPANY APPLICATION FOR ZONING VARIANCE**

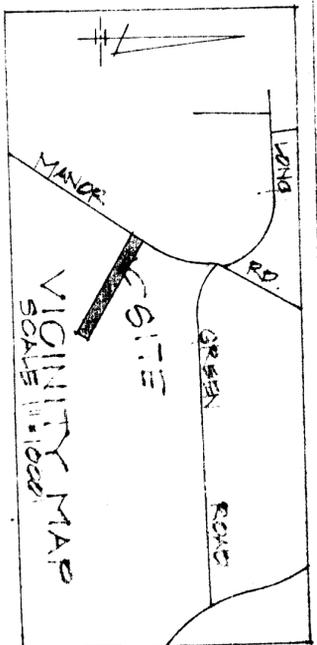
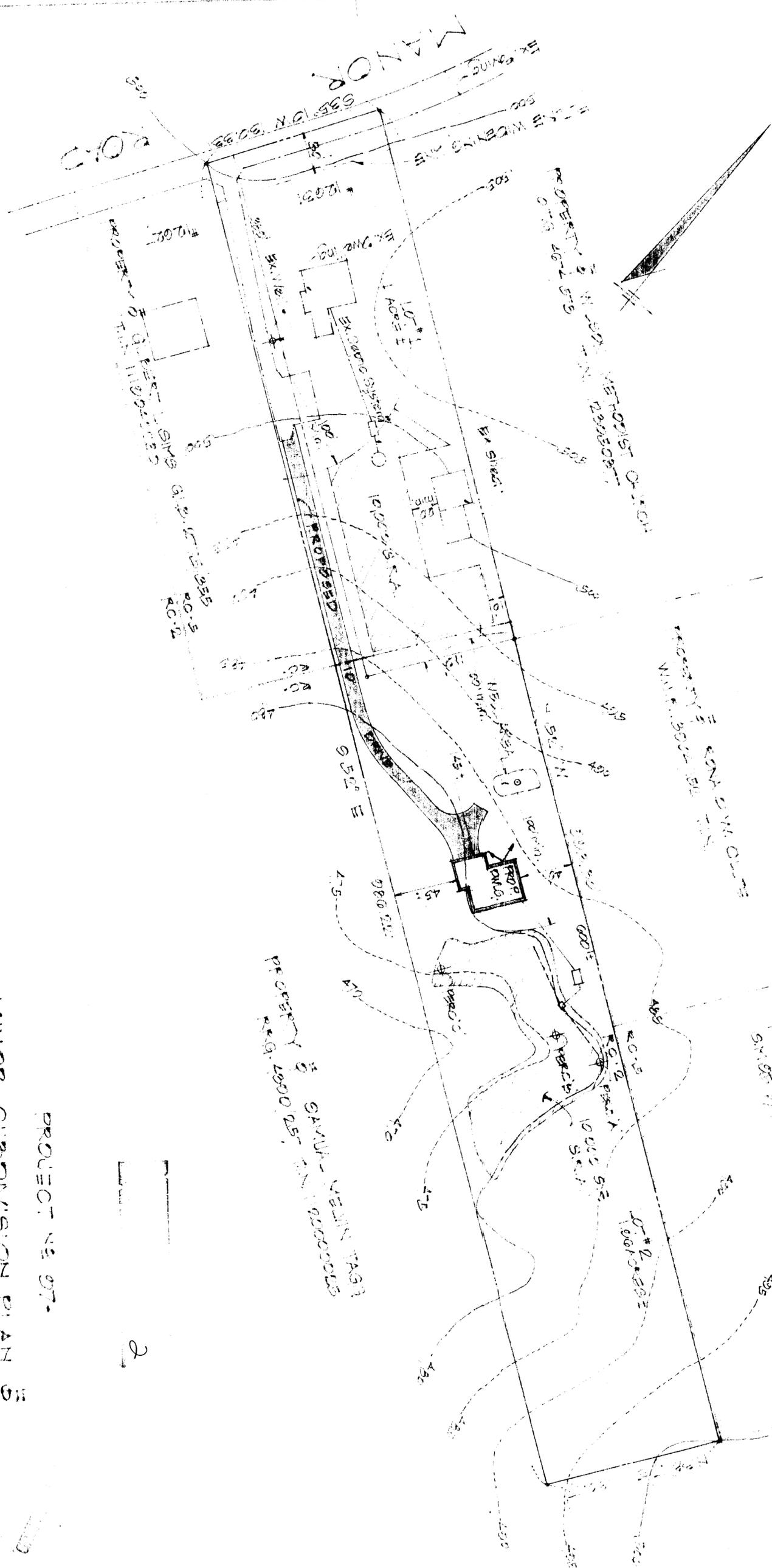
LEWIS BREIDENBAUGH  
 PROPERTY & SURVEYING  
 1111 ELECTION DISTRICT • BALTIMORE COUNTY, MD  
 SCALE: 1" = 50'  
 FEBRUARY 24, 1997

**GENERAL NOTES**

EXISTING ZONING: R.C.-2	EXISTING ZONING: R.C.-2
CROSS AREA OF PROPERTY: 1.0 AC +/-	CROSS AREA OF PROPERTY: 1.0 AC +/-
R.C.-2 AREA: 1.0 AC +/-	R.C.-2 AREA: 1.0 AC +/-
DENSITY UNITS ALLOWED: ONE LOT ALLOWED (MIN. ONE ACRE)	DENSITY UNITS ALLOWED: ONE LOT ALLOWED (MIN. ONE ACRE)
TOTAL UNITS PROPOSED: 2.0 SINGLE FAMILY UNITS	TOTAL UNITS PROPOSED: 2.0 SINGLE FAMILY UNITS

- 1) PRIVATE WELL AND PRIVATE SEPTIC SYSTEM TO SERVE BOTH LOTS.
- 2) THERE ARE NO EXISTING WELLS OR SEPTIC SYSTEMS WITHIN 100 FEET OF THE PROPERTY LINES OF LOT #2, EXCEPT AS SHOWN ON THE PLAN.
- 3) THERE ARE NO UNDERGROUND STORAGE TANKS ON SITE.
- 4) 2-9 X 18 PARKING SPACES STANDARD FOR LOT EACH LOT.
- 5) DEED REFERENCE: 112-02, 1884/471.
- 6) DEED REFERENCE: 112-02, 1884/471.
- 7) TAX MAP 53.
- 8) CONN. STATE ELECTRIC DIST. 127.
- 9) SCHOOL DIST. - CARROLL MANOR.
- 10) NO CRITICAL AREAS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITAT, NON HAZARDOUS MATERIALS STORED ON SITE.
- 11) THERE ARE NO HISTORICAL BUILDINGS ON SITE.
- 12) HEIGHT LIMITATION FOR NEW BUILDINGS: 8.5 FEET.
- 13) THIS PROPERTY HAS A HISTORY OF FLOODING.
- 14) THE SITE REMOVAL WILL BE CAUSING ADVERSE IMPACT ON ADJACENT PROPERTY, WETLANDS, STORM DRAINS OR WATERCOURSE.
- 15) VIA SHEET FLOOD WITHOUT CAUSING ADVERSE IMPACT ON ADJACENT PROPERTY, WETLANDS, STORM DRAINS OR WATERCOURSE.
- 16) CLEANING OF THIS SITE SHALL BE LIMITED TO THE BUILDING AREA, SEPTIC SYSTEM AREA, WELL AREA, AND DRIVEWAY AREA.
- 17) HOUSE DOWNSPOOTS ARE TO BE DISCHARGED ONTO PERVIOUS AREAS OR DRYWELLS WHERE FEASIBLE.
- 18) THE OWNERS OF THIS PROPERTY WILL APPLY FOR AN INTRA-FAMILY TRANSFER EXEMPTION.

"A DECLARATION OF INTENT FOR INTRA-FAMILY TRANSFER HAS BEEN FILED WITH THE BALTIMORE COUNTY DEPT. TO EXEMPT THIS PROPERTY FROM THE FOREST CONSERVATION REGULATIONS".  
THERE ARE NO BUILDINGS TO BE RAZED.



PROJECT NO. 97-

2

PREPARED BY:

**B.F. RAPEL & ASSOCIATES**  
REGISTERED PROFESSIONAL LAND SURVEYOR  
1205 CORTLAND AVENUE, TOWSON, MD 21284  
PHONE (410) 825-3009

OWNER:

**LEWIS J. BREIDENBAUGH**  
12691 MANOR ROAD  
TOWSON, MARYLAND  
PHONE: 410-592-7302

MINOR SUBDIVISION PLAN OF

**LEWIS J. BREIDENBAUGH PROPERTY**  
11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND  
SCALE 1"=50'  
MARCH 17, 1997

IN RE: PETITION FOR VARIANCE  
 E/S Manor Road, 590' SW of  
 Long Green Pike  
 (12631 Manor Road)  
 11th Election District  
 6th Councilmanic District  
 J. Lewis Breidenbaugh, et ux  
 Petitioners

\* BEFORE THE  
 \* DEPUTY ZONING COMMISSIONER  
 \* OF BALTIMORE COUNTY  
 \* Case No. 97-365-A

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance for that property known as 12631 Manor Road, located in the vicinity of Long Green Road in Glen Arm. The Petition was filed by the owners of the property, J. Lewis and Edna E. Breidenbaugh. The Petitioners seek relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 21 feet in lieu of the required 50 feet for an existing dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Lewis Breidenbaugh, property owner, Eugene F. Raphael, Professional Land Surveyor who prepared the site plan for this property, and Louis Fleury, Esquire, attorney for the Petitioners. Two neighbors appeared in support of the Petitioner's request. There were no Protestants.

Testimony and evidence offered revealed that the subject property is a rectangularly shaped parcel, approximately 110 feet wide by 986 feet deep, and consists of a gross area of 2.96 acres, more or less, split zoned R.C.5 (1.0 acres) and R.C.2 (1.96 acres). The front portion of the site, zoned R.C.5, is improved with a single family dwelling and accessory

shed. The rear portion of the property, zoned R.C.2, is unimproved. The Petitioners are desirous of subdividing their property to create a building lot for their grandson. Testimony revealed that Mr. Breidenbaugh is nearly 85 years of age and has resided on the subject property for many years. His grandson wishes to live closer to him to provide support and care in his elder years. The front portion of the site, proposed Lot 1, would contain the existing improvements. Proposed Lot 2, would be developed with a single family dwelling for Mr. Breidenbaugh's grandson. Access to Lot 2 would be provided by an extension of the existing driveway which runs along the southwest side of the subject property. However, this driveway is located only 21 feet from the existing dwelling and a 50-foot setback is required. Therefore, in order to proceed with the proposed improvements, the requested variance is necessary. Further testimony indicated that the proposed dwelling will meet all setback requirements.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

*Anderson v. Bd. of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of April, 1997 that the Petition for Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 21 feet in lieu of the required 50 feet for an existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

*Timothy M. Kotroco*  
 TIMOTHY M. KOTROCO  
 Deputy Zoning Commissioner  
 for Baltimore County

TMK:bjjs



Baltimore County  
 Zoning Commissioner  
 Office of Planning and Zoning

Suite 112, Courthouse  
 400 Washington Avenue  
 Towson, Maryland 21204  
 (410) 887-4386

April 14, 1997

Lewis L. Fleury, Esquire  
 424 Woodbine Avenue  
 Towson, Maryland 21204

RE: PETITION FOR VARIANCE  
 E/S Manor Road, 590' SW of Long Green Pike  
 (12631 Manor Road)  
 11th Election District - 6th Councilmanic District  
 J. Lewis Breidenbaugh, et ux - Petitioners  
 Case No. 97-365-A

Dear Mr. Fleury:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
 TIMOTHY M. KOTROCO  
 Deputy Zoning Commissioner  
 for Baltimore County

TMK:bjjs

cc: Mr. & Mrs. J. Lewis Breidenbaugh  
 12631 Manor Road, Glen Arm, Md. 21057

Mr. Eugene F. Raphael  
 205 Courtland Avenue, Towson, Md. 21204

People's Counsel; Case File

Printed with Engrain Ink  
 an Recycled Paper

ORDER RECEIVED FOR FILING  
 Date 4/14/97  
 By [Signature]

ORDER RECEIVED FOR FILING  
 Date 4/14/97  
 By [Signature]

ORDER RECEIVED FOR FILING  
 Date 4/14/97  
 By [Signature]

**CERTIFICATE OF PUBLICATION**

NOTICE OF HEARING  
 The Zoning Commissioner of Baltimore County, in conformity with the Zoning Act and Planning Code of Baltimore County, has caused to be published in the Baltimore County Official Gazette, a public hearing to be held on the following date and at the following place:  
 Date: 4/14/97  
 Time: 10:00 AM  
 Place: 111 West Chesapeake Avenue, Towson, Maryland 21204  
 Subject: A Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 21 feet in lieu of the required 50 feet for an existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:  
 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.  
 LAWRENCE E. SCHMIDT  
 Zoning Commissioner for Baltimore County  
 NOTICE: This hearing is held on a Monday. If the hearing is held on a Monday, it shall be held on the following day, Tuesday, at the same time and place.  
 3168 March 13, 2002

TOWSON, MD., 3/13, 1997  
 THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/13, 1997.

THE JEFFERSONIAN,  
*A. Henrichson*  
 LEGAL AD. - TOWSON

**Petition for Variance**  
 to the Zoning Commissioner of Baltimore County  
 for the property located at 12631 Manor Road  
 97-365-A which is presently zoned RC-51

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal counsel of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A04.3.B.3 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.)  
 To be discussed at hearing  
 VARIANCE FROM REGULATION 1A04.3.B.3 TO ALLOW A 21' SIDEYARD SETBACK IN LIEU OF THE REQUIRED 50' (REASONS TO BE DISCUSSED AT HEARING)  
 Property is to be posted and advertised as prescribed by Zoning Regulations.  
 I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee: \_\_\_\_\_  
 Type of Print Name: \_\_\_\_\_  
 Signature: *J. Lewis Breidenbaugh*  
 Address: *Edna E. Breidenbaugh*  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_  
 Zip: \_\_\_\_\_  
 Attorney for Petitioner: \_\_\_\_\_  
 Type of Print Name: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_  
 Zip: \_\_\_\_\_  
 Phone No.: \_\_\_\_\_

Legal Date: \_\_\_\_\_  
 Signature: *J. Lewis Breidenbaugh*  
 Signature: *Edna E. Breidenbaugh*  
 Address: *12631 Manor Road*  
 City: *Glen Arm, MD*  
 State: *MD*  
 Zip: *21057*

OFFICE USE ONLY  
 ESTIMATED LIBRARY OF VARIANCES Available for Hearing: \_\_\_\_\_  
 The following date: \_\_\_\_\_  
 RECEIVED BY: *CAH* DATE: *26 Feb 97*

E. F. RAPHAEL & ASSOCIATES  
 Registered Professional Land Surveyors  
 205 COURTLAND AVENUE  
 TOWSON, MARYLAND 21204

OFFICE: 822-3808 RESIDENCE: 771-4892

97-365-A

12631 Manor Road

Beginning for the same at a point in the center of Manor Road at a distance of 590' +/- southwesterly from the center line of Long Green Road at the end of the fourth line of the land described in Liber T.B.S. 1884 folio 41 from O. G. Warfel to J. L. Breidenbaugh, running thence in the center of Manor Road S 35°-10' W 130.33', thence leaving Manor Road and binding on the outline of Bradenbaugh S 52°-00' E 986.22', N 38°-17'-00" E 130.17' and N 52°-00' E 993.30' to the place of beginning. Containing 2.96 Ac. more or less.

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 3/13, 1997

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/13, 1997.

THE JEFFERSONIAN,  
*A. Henrichson*  
 LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT

DATE: 26 Feb 97 ACCOUNT: R-001-6150  
 97-365-A CASH AMOUNT: \$ 50.00  
 RECEIVED FROM: J. Lewis Breidenbaugh  
 FOR: Variance 12631 Manor Rd

63A9180029N1CHRC \$50.00  
 BA C011:29AND2-26-97  
 VALIDATION OR SIGNATURE OF CASHIER

**CERTIFICATE OF POSTING**

RE: Case No.: 97-365-A  
 Petitioner/Developer: J.L. BREIDENBAUGH, ET AL

Date of Hearing/Closing: 4/4/97  
 FEB. 2 10:00 AM  
 RM 106 C.O.B.

Baltimore County Department of Permits and Development Management  
 County Office Building, Room 111  
 111 West Chesapeake Avenue  
 Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at # 12631 MANOR RD.

The sign(s) were posted on 3/17/97 (Month, D-Y, Year)

Sincerely,  
*Patrick M. O'Keefe* 3/18/97  
 (Signature of Sign Poster and Date)  
 Patrick M. O'Keefe  
 (Printed Name)  
 523 Penny Lane  
 (Address)  
 Hunt Valley, MD 21030  
 (City, State, Zip Code)  
 (410) 646-5366 Page (410) 646-8354  
 (Telephone Number)



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 365

Petitioner: J. Lewis Breidenbaugh

Location: 12631 Manor Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: J. Lewis Breidenbaugh

ADDRESS: 12631 Manor Rd

Glen Arm, MD 21057

PHONE NUMBER: 410-592-7302

AJ:ggg

(Revised 09/24/96)

365

Exhibit B

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than \_\_\_\_\_

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No. 97-365-A

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD.

PLACE:

DATE AND TIME:

REQUEST: To allow a sideyard setback of 21 feet in lieu of the required 50 feet

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

506  
post 4.doc

365

TO: PUTNEY PUBLISHING COMPANY  
March 13, 1997 Issue - Jeffersonian

Please forward billing to:

J. Lewis Breidenbaugh  
12631 Manor Road  
Glen Arm, MD 21057  
592-7302

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-365-A

12631 Manor Road

E/S Manor Road, 590' SW of Long Green Pike

11th Election District - 6th Councilmanic

Legal Owner(s): J. Lewis Breidenbaugh and Edna E. Breidenbaugh

Variance to allow a 21'+/- side yard setback in lieu of the required 50 feet.

HEARING: FRIDAY, APRIL 4, 1997 at 10:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SKRIVNY  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3391.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

March 7, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-365-A

12631 Manor Road

E/S Manor Road, 590' SW of Long Green Pike

11th Election District - 6th Councilmanic

Legal Owner(s): J. Lewis Breidenbaugh and Edna E. Breidenbaugh

Variance to allow a 21'+/- side yard setback in lieu of the required 50 feet.

HEARING: FRIDAY, APRIL 4, 1997 at 10:00 a.m. in Room 106, County Office Building.

Arnold Jablon  
Director

cc: J. Lewis and Edna Breidenbaugh

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 20, 1997.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3391.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soy-based Ink  
on Recycled Paper



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

March 27, 1997

Mr. and Mrs. J. Lewis Breidenbaugh  
12631 Manor Road  
Glen Arm, MD 21057

RE: Item No.: 365  
Case No.: 97-365-A  
Petitioner: J. Breidenbaugh, et ux

Dear Mr. and Mrs. Breidenbaugh:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on February 26, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)



Maryland Department of Transportation  
State Highway Administration

David L. Winstead  
Secretary  
Parker F. Williams  
Administrator

Ms. Roslyn Eubanks  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County 3-11-97  
Item No. 365 CAM

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredelein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

P. J. Burns  
Ronald Burns, Chief  
Engineering Access Permits  
Division

LG

My telephone number is \_\_\_\_\_

Maryland Relay Service for the hearing impaired  
1-800-735-2288

Mailing Address: P.O. Box 717, Baltimore, MD 21202  
Street Address: 707 North Calvert Street, Baltimore, MD 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: March 10, 1997

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 339, 357, 360, 361, 364, 365, 366, and 367

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: Jeffrey W. Long

Division Chief: Cheryl Leins

PK/JL

ITEM339/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

Date: March 17, 1997

FROM: Robert W. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
for March 17, 1997  
Item No. 365

The Development Plans Review Division has reviewed the subject zoning item. If variance is granted, the created lot will be subject to the development regulations governing planar lots.

RWB:HJO:jrb

cc: File

ZONE317.365

Printed with Soy-based Ink  
on Recycled Paper

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

DATE: 14 Mar 97

TO: \*OPCC, Development Review - Mr. McDaniel  
\*PDM, Zoning Review - Mr. Richards  
\*PDM, Street Names & House Numbers - Mr. Putty  
\*PDM, Develop. Plans Review - B. Bowling  
\*PDM, Real Estate - Mr. Houk  
\*DEPRM, PDR, Dev. Cord. - Mr. Seeley  
DEPRM, EIR - Ms. Farr  
\*DEPRM, PDR, SVMM - Mr. Wirth  
Recreation & Parks - Mr. Grossman  
Fire Department - Lt. Sauerwald  
SHA - Mr. Small

FROM: Kate Milton  
PDM, Zoning Review

SUBJECT: Project Name: *Beedonbaugh*  
Project Number: *97-034-h*  
District: *R-1*  
Engineer:  
Telephone Number: *825-3908*

ACTION REQUESTED:  Panhandle Minor CRG Plan Review  
 Minor Subdivision Review  
 Pre-Approved Building Permits

Please provide separate comments for Building Permits.  
NOTE: Please detail any comments where permit cannot be approved, but subdivision approval is acceptable.

Please review the attached plan for compliance with current regulations and return comments to me by *14 Mar 97*. If you have no comments or do not need to review this plan, please indicate by placing your initials here. **FAILURE TO RESPOND BY THE ABOVE DATE IS CONSIDERED TO BE CONCURRENCE BY YOUR OFFICE OF THE PLAN.**

*Please put zoning case 97-365-A History on the plan*

9/2

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21286-5500 (410) 887-4500

March 12, 1997

Arnold Jablon, Director  
Zoning Administration and Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW  
Location: DISTRIBUTION MEETING of March 10, 1997.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

355, 356, 357, 358, 359, 360, 361, 362, 364, 365, 366, & 367

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: PDM DATE: 3/13/97

FROM: R. Bruce Seeley  
Permits and Development Review  
DEPRM

SUBJECT: Zoning Advisory Committee  
Meeting Date: *March 14, 97*

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 353 367  
356  
358  
359  
360  
361  
362  
363  
364  
365

RBS:sp  
BRUCE2/DEPRM/TITSBP

#360 --- JCM PETITION PROBLEMS

1. Need printed name and title of person signing for legal owner.
2. Need signature of attorney.
4. Need additional fee for SPH (fixed on 3/5/97).
3. Sign form is incomplete.

#363 --- MJK

1. Sign form is incomplete.

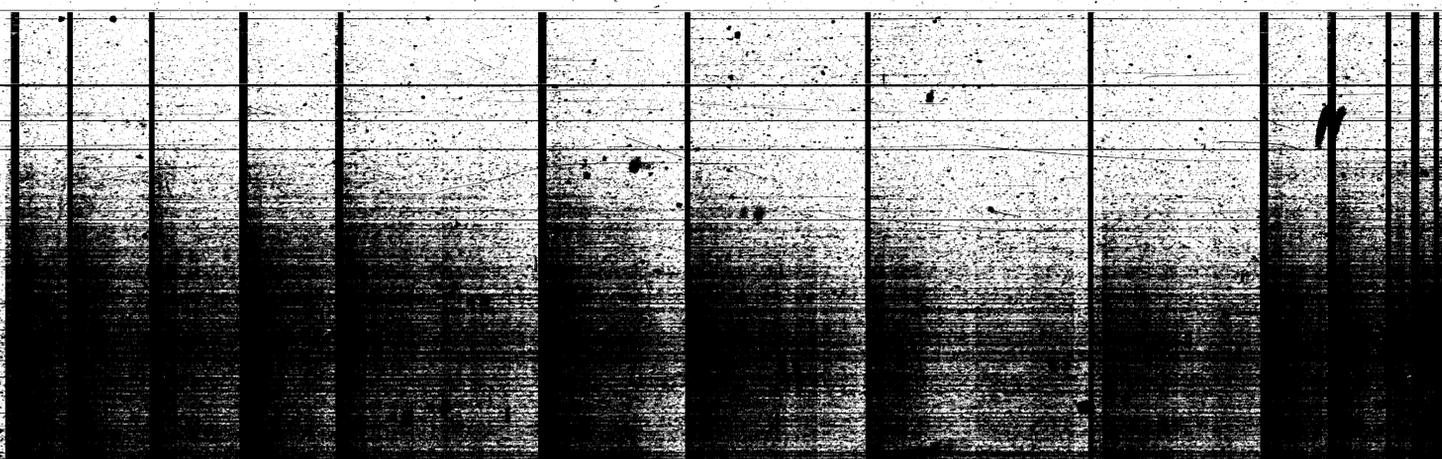
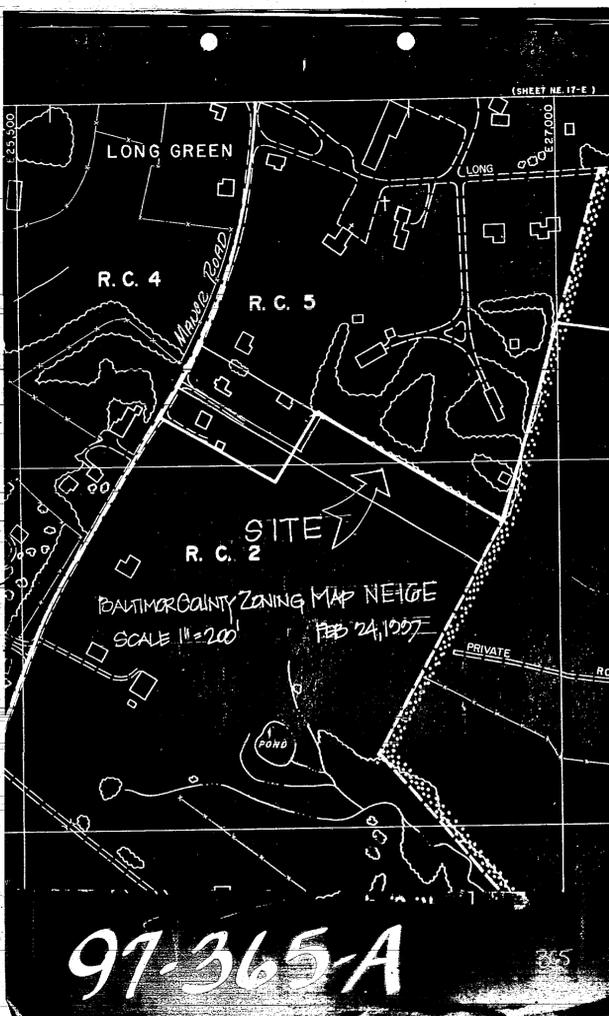
#364 --- JRE

1. Need authorization for J. Stevenson Peck to sign for legal owner.
2. No attorney listed on the folder.
3. Sign form is incomplete.

#365 --- CAM

1. Petitioner says zoning is "R.C.-5/R.C.-2"; folder says zoning is "R.C.-5", which is correct??
2. Sign form is incomplete.

3/5/97





IN RE: PETITION FOR VARIANCE  
 E/S Manor Road, 590' SW of  
 Long Green Pike  
 (12631 Manor Road)  
 11th Election District  
 6th Councilmanic District  
 J. Lewis Breidenbaugh, et ux  
 Petitioners

BEFORE THE  
 DEPUTY ZONING COMMISSIONER  
 OF BALTIMORE COUNTY  
 Case No. 97-365-A

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance for that property known as 12631 Manor Road, located in the vicinity of Long Green Road in Glen Arm. The Petition was filed by the owners of the property, J. Lewis and Edna E. Breidenbaugh. The Petitioners seek relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 21 feet in lieu of the required 50 feet for an existing dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Lewis Breidenbaugh, property owner, Eugene F. Raphael, Professional Land Surveyor who prepared the site plan for this property, and Louis Fleury, Esquire, attorney for the Petitioners. Two neighbors appeared in support of the Petitioner's request. There were no Protestants.

Testimony and evidence offered revealed that the subject property is a rectangularly shaped parcel, approximately 110 feet wide by 986 feet deep, and consists of a gross area of 2.96 acres, more or less, split zoned R.C.5 (1.0 acres) and R.C.2 (1.96 acres). The front portion of the site, zoned R.C.5, is improved with a single family dwelling and accessory

shed. The rear portion of the property, zoned R.C.2, is unimproved. The Petitioners are desirous of subdividing their property to create a building lot for their grandson. Testimony revealed that Mr. Breidenbaugh is nearly 85 years of age and has resided on the subject property for many years. His grandson wishes to live closer to him to provide support and care in his elder years. The front portion of the site, proposed Lot 1, would contain the existing improvements. Proposed Lot 2, would be developed with a single family dwelling for Mr. Breidenbaugh's grandson. Access to Lot 2 would be provided by an extension of the existing driveway which runs along the southwest side of the subject property. However, this driveway is located only 21 feet from the existing dwelling and a 50-foot setback is required. Therefore, in order to proceed with the proposed improvements, the requested variance is necessary. Further testimony indicated that the proposed dwelling will meet all setback requirements.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

*Anderson v. Bd. of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of April, 1997 that the Petition for Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 21 feet in lieu of the required 50 feet for an existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

*Timothy M. Kotroco*  
 TIMOTHY M. KOTROCO  
 Deputy Zoning Commissioner  
 for Baltimore County

TMK:bjjs



Baltimore County  
 Zoning Commissioner  
 Office of Planning and Zoning

Suite 112, Courthouse  
 400 Washington Avenue  
 Towson, Maryland 21204  
 (410) 887-4386

April 14, 1997

Lewis L. Fleury, Esquire  
 424 Woodbine Avenue  
 Towson, Maryland 21204

RE: PETITION FOR VARIANCE  
 E/S Manor Road, 590' SW of Long Green Pike  
 (12631 Manor Road)  
 11th Election District - 6th Councilmanic District  
 J. Lewis Breidenbaugh, et ux - Petitioners  
 Case No. 97-365-A

Dear Mr. Fleury:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,  
*Timothy M. Kotroco*  
 TIMOTHY M. KOTROCO  
 Deputy Zoning Commissioner  
 for Baltimore County

TMK:bjjs

cc: Mr. & Mrs. J. Lewis Breidenbaugh  
 12631 Manor Road, Glen Arm, Md. 21057

Mr. Eugene F. Raphael  
 205 Courtland Avenue, Towson, Md. 21204

People's Counsel; Case File

Printed with Engrain Ink  
 an Recycled Paper

ORDER RECEIVED FOR FILING  
 Date 4/14/97  
 By [Signature]

ORDER RECEIVED FOR FILING  
 Date 4/14/97  
 By [Signature]

ORDER RECEIVED FOR FILING  
 Date 4/14/97  
 By [Signature]

**CERTIFICATE OF PUBLICATION**

NOTICE OF HEARING  
 The Zoning Commissioner of Baltimore County, in conformity with the Zoning Act and Planning Code of Baltimore County, has caused to be published in the Baltimore Sun, a public hearing in Case No. 97-365-A, as follows:  
 Case No. 97-365-A  
 12631 Manor Road  
 590' SW of Long Green Pike  
 11th Election District  
 6th Councilmanic District  
 Legal Owner:  
 J. Lewis Breidenbaugh and Edna E. Breidenbaugh  
 Petitioner to show a 21' side yard setback in lieu of the required 50 feet.  
 Hearing: Friday, April 11, 1997 at 10:00 a.m. in the 1st Floor, County Office Building.  
 LAWRENCE E. SCHMIDT  
 Zoning Commissioner for Baltimore County  
 NOTICE: This hearing is handicapped accessible. For more information, please call 887-3393. (Hearing room is on the 1st floor of the County Office Building.)  
 3168 March 13, 1997

TOWSON, MD., 3/13, 1997

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/13, 1997.

THE JEFFERSONIAN,  
*A. Henrichson*  
 LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT  
 NO. 032668  
 DATE 26 Feb 97 ACCOUNT R-001-6150  
 97-365-A CASH AMOUNT \$ 50.00  
 RECEIVED FROM J. Lewis Breidenbaugh  
 FOR Variance 12631 Manor Rd  
 6349180029N1CHRC \$50.00  
 BA C011:27AND2-26-97  
 VALIDATION OR SIGNATURE OF CASHIER

**Petition for Variance**  
 to the Zoning Commissioner of Baltimore County

for the property located at 12631 Manor Road  
 97-365-A which is presently zoned RC-51

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A04.3.B.3 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.)

To be discussed at hearing  
 VARIANCE FROM REGULATION 1A04.3.B.3 TO ALLOW A 21' SIDEYARD SETBACK IN LIEU OF THE REQUIRED 50' (REASONS TO BE DISCUSSED AT HEARING)  
 Property is to be posted and advertised as prescribed by Zoning Regulations.  
 I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee  
 Type or Print Name  
 Signature  
 Address  
 City State Zipcode  
 Attorney for Petitioner  
 Type or Print Name  
 Signature  
 Address  
 City State Zipcode  
 Phone No.  
 Legal Owner:  
 J. Lewis Breidenbaugh  
 Edna E. Breidenbaugh  
 12631 Manor Road  
 Glen Arm, MD 21057  
 OFFICE USE ONLY  
 ESTIMATED LIBRARY OF VARIANCES Available for Hearing  
 The following date  
 RECEIVED BY CAH DATE 26 Feb 97

ORDER RECEIVED FOR FILING  
 Date 4/14/97  
 By [Signature]

E. F. RAPHAEL & ASSOCIATES  
 Registered Professional Land Surveyors  
 205 COURTLAND AVENUE  
 TOWSON, MARYLAND 21204

OFFICE: 882-3808 RESIDENCE: 771-4892

97-365-A

12631 Manor Road

Beginning for the same at a point in the center of Manor Road at a distance of 590' +/- southwesterly from the center line of Long Green Road at the end of the fourth line of the land described in Liber T.B.S. 1884 folio 41 from O. G. Warfel to J. L. Breidenbaugh, running thence in the center of Manor Road S 35°-10' W 130.33', thence leaving Manor Road and binding on the outline of Bradenbaugh S 52°-00' E 986.22', N 38°-17'-00" E 130.17' and N 52°-00' E 993.30' to the place of beginning. Containing 2.96 Ac. more or less.

**CERTIFICATE OF POSTING**

RE: Case No. 97-365-A  
 Petitioner/Developer: J.L. BREIDENBAUGH, ET AL

Date of Hearing/Closing: 4/4/97  
 FEB. 2 10:00 AM  
 RM 106 C.O.B.

Baltimore County Department of Permits and Development Management  
 County Office Building, Room 111  
 111 West Chesapeake Avenue  
 Towson, MD 21204

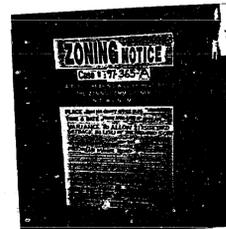
Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at # 12631 MANOR RD.

The sign(s) were posted on 3/17/97  
 (Month, D-Y, Year)

Sincerely,  
*Patrick M. O'Keefe*  
 (Signature of Sign Poster and Date)  
 Patrick M. O'Keefe  
 (Printed Name)  
 523 Penny Lane  
 (Address)  
 Hunt Valley, MD 21030  
 (City, State, Zip Code)  
 (410) 646-5366 Page (410) 646-8354  
 (Telephone Number)





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 365

Petitioner: J. Lewis Breidenbaugh

Location: 12631 Manor Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: J. Lewis Breidenbaugh

ADDRESS: 12631 Manor Rd

Glen Arm, MD 21057

PHONE NUMBER: 410-592-7302

AJ:ggg

(Revised 09/24/96)

365

Exhibit B

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than \_\_\_\_\_

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No. 97-365-A

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD.

PLACE:

DATE AND TIME:

REQUEST: To allow a sideyard setback of 21 feet in lieu of the required 50 feet

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

506  
post 4.doc

365

TO: PUTNEY PUBLISHING COMPANY  
March 13, 1997 Issue - Jeffersonian

Please forward billing to:

J. Lewis Breidenbaugh  
12631 Manor Road  
Glen Arm, MD 21057  
592-7302

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-365-A

12631 Manor Road

E/S Manor Road, 590' SW of Long Green Pike

11th Election District - 6th Councilmanic

Legal Owner(s): J. Lewis Breidenbaugh and Edna E. Breidenbaugh

Variance to allow a 21'+/- side yard setback in lieu of the required 50 feet.

HEARING: FRIDAY, APRIL 4, 1997 at 10:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SKRIVY  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3391.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

March 7, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-365-A  
12631 Manor Road  
E/S Manor Road, 590' SW of Long Green Pike  
11th Election District - 6th Councilmanic  
Legal Owner(s): J. Lewis Breidenbaugh and Edna E. Breidenbaugh

Variance to allow a 21'+/- side yard setback in lieu of the required 50 feet.

HEARING: FRIDAY, APRIL 4, 1997 at 10:00 a.m. in Room 106, County Office Building.

Arnold Jablon  
Director

cc: J. Lewis and Edna Breidenbaugh

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 20, 1997.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3391.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soy-based Ink  
on Recycled Paper



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

March 27, 1997

Mr. and Mrs. J. Lewis Breidenbaugh  
12631 Manor Road  
Glen Arm, MD 21057

RE: Item No.: 365  
Case No.: 97-365-A  
Petitioner: J. Breidenbaugh, et ux

Dear Mr. and Mrs. Breidenbaugh:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on February 26, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)



Maryland Department of Transportation  
State Highway Administration

David L. Winstead  
Secretary  
Parker F. Williams  
Administrator

Ms. Roslyn Eubanks  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County 3-11-97  
Item No. 365 CAM

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredelein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

P. J. Burns  
Ronald Burns, Chief  
Engineering Access Permits  
Division

LG

My telephone number is \_\_\_\_\_

Maryland Relay Service for the hearing impaired  
1-800-735-2288  
Mailing Address: P.O. Box 717, Baltimore, MD 21204  
Street Address: 707 North Calvert Street, Baltimore, MD 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: March 10, 1997

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 339, 357, 360, 361, 364, 365, 366, and 367

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: Jeffrey W. Long

Division Chief: Cheryl Leins

PK/JL

ITEM339/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

Date: March 17, 1997

FROM: Robert W. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
for March 17, 1997  
Item No. 365

The Development Plans Review Division has reviewed the subject zoning item. If variance is granted, the created lot will be subject to the development regulations governing planar lots.

RWB:HJO:jrb

cc: File

ZONE317.365

Printed with Soy-based Ink  
on Recycled Paper

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

DATE: 14 Mar 97

TO: \*OPCC, Development Review - Mr. McDaniel  
\*PDM, Zoning Review - Mr. Richards  
\*PDM, Street Names & House Numbers - Mr. Putty  
\*PDM, Develop. Plans Review - B. Bowling  
\*PDM, Real Estate - Mr. Houk  
\*DEPRM, PDR, Dev. Cord. - Mr. Seeley  
DEPRM, EIR - Ms. Farr  
\*DEPRM, PDR, SVMM - Mr. Wirth  
Recreation & Parks - Mr. Grossman  
Fire Department - Lt. Sauerwald  
SHA - Mr. Small

FROM: Kate Milton  
PDM, Zoning Review

SUBJECT: Project Name: *Beedonbaugh*  
Project Number: *97-034-h*  
District: *R-1*  
Engineer:  
Telephone Number: *825-3908*

ACTION REQUESTED:  Panhandle Minor CRG Plan Review  
 Minor Subdivision Review  
 Pre-Approved Building Permits

Please provide separate comments for Building Permits.  
NOTE: Please detail any comments where permit cannot be approved, but subdivision approval is acceptable.

Please review the attached plan for compliance with current regulations and return comments to me by *14 Mar 97*. If you have no comments or do not need to review this plan, please indicate by placing your initials here. **FAILURE TO RESPOND BY THE ABOVE DATE IS CONSIDERED TO BE CONCURRENCE BY YOUR OFFICE OF THE PLAN.**

*Please put zoning case 97-365-A History on the plan*

9/2

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21286-5500 (410) 887-4500

March 12, 1997

Arnold Jablon, Director  
Zoning Administration and Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW  
Location: DISTRIBUTION MEETING of March 10, 1997.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

355, 356, 357, 358, 359, 360, 361, 362, 364, **365**, 366, & 367

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: PDM

FROM: R. Bruce Seeley  
Permits and Development Review  
DEPRM

DATE: 3/13/97

SUBJECT: Zoning Advisory Committee  
Meeting Date: *March 14, 97*

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 353 367  
356  
358  
359  
360  
361  
362  
363  
364  
**365**

RBS:sp  
BRUCE2/DEPRM/TITSBP

#360 --- JCM PETITION PROBLEMS

1. Need printed name and title of person signing for legal owner.
2. Need signature of attorney.
4. Need additional fee for SPH (fixed on 3/5/97).
3. Sign form is incomplete.

#363 --- MJK

1. Sign form is incomplete.

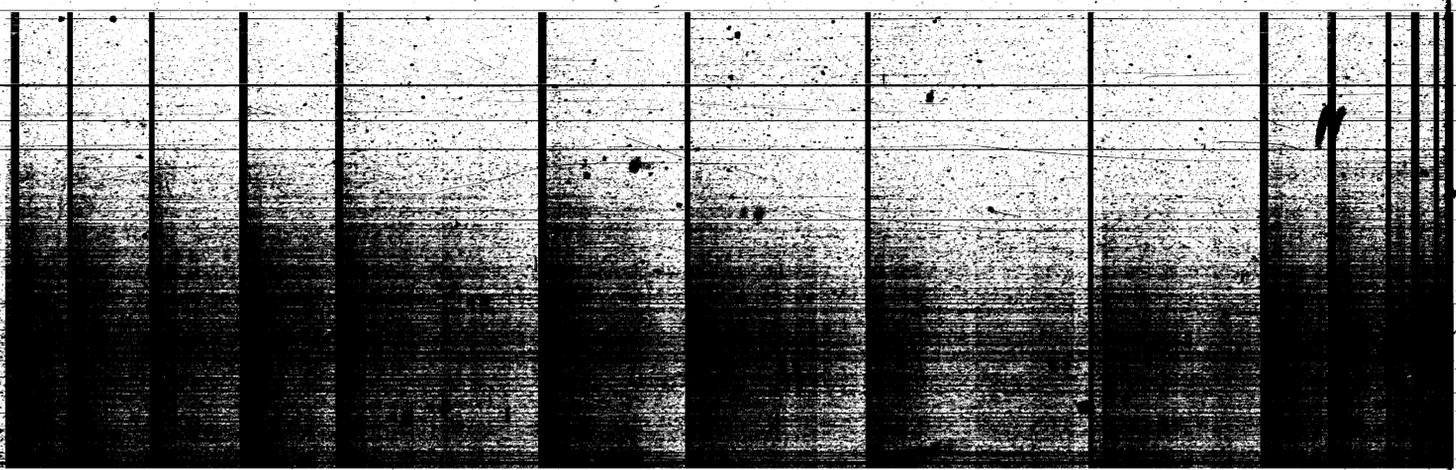
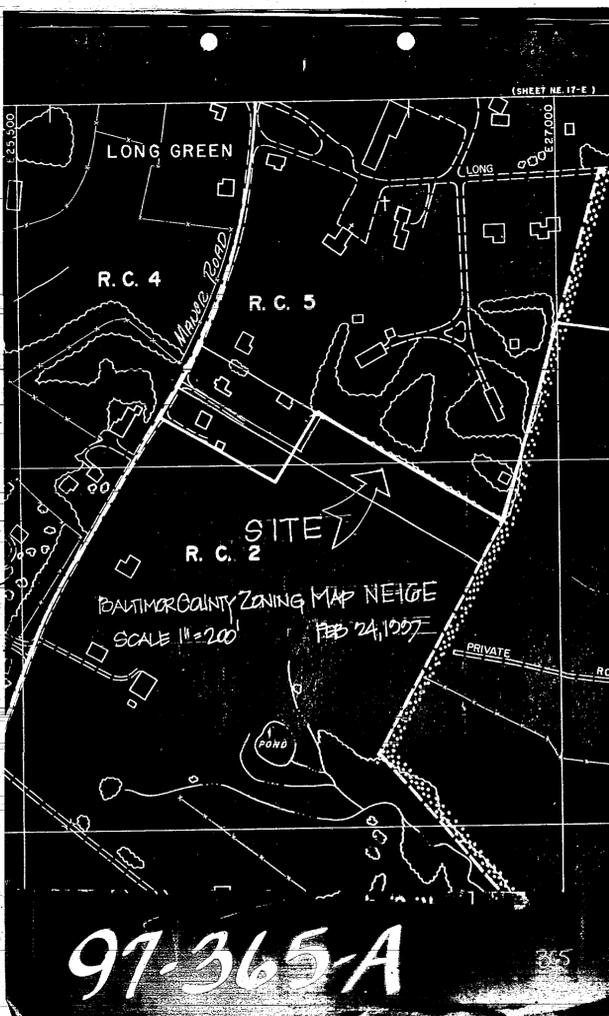
#364 --- JRE

1. Need authorization for J. Stevenson Peck to sign for legal owner.
2. No attorney listed on the folder.
3. Sign form is incomplete.

#365 --- CAM

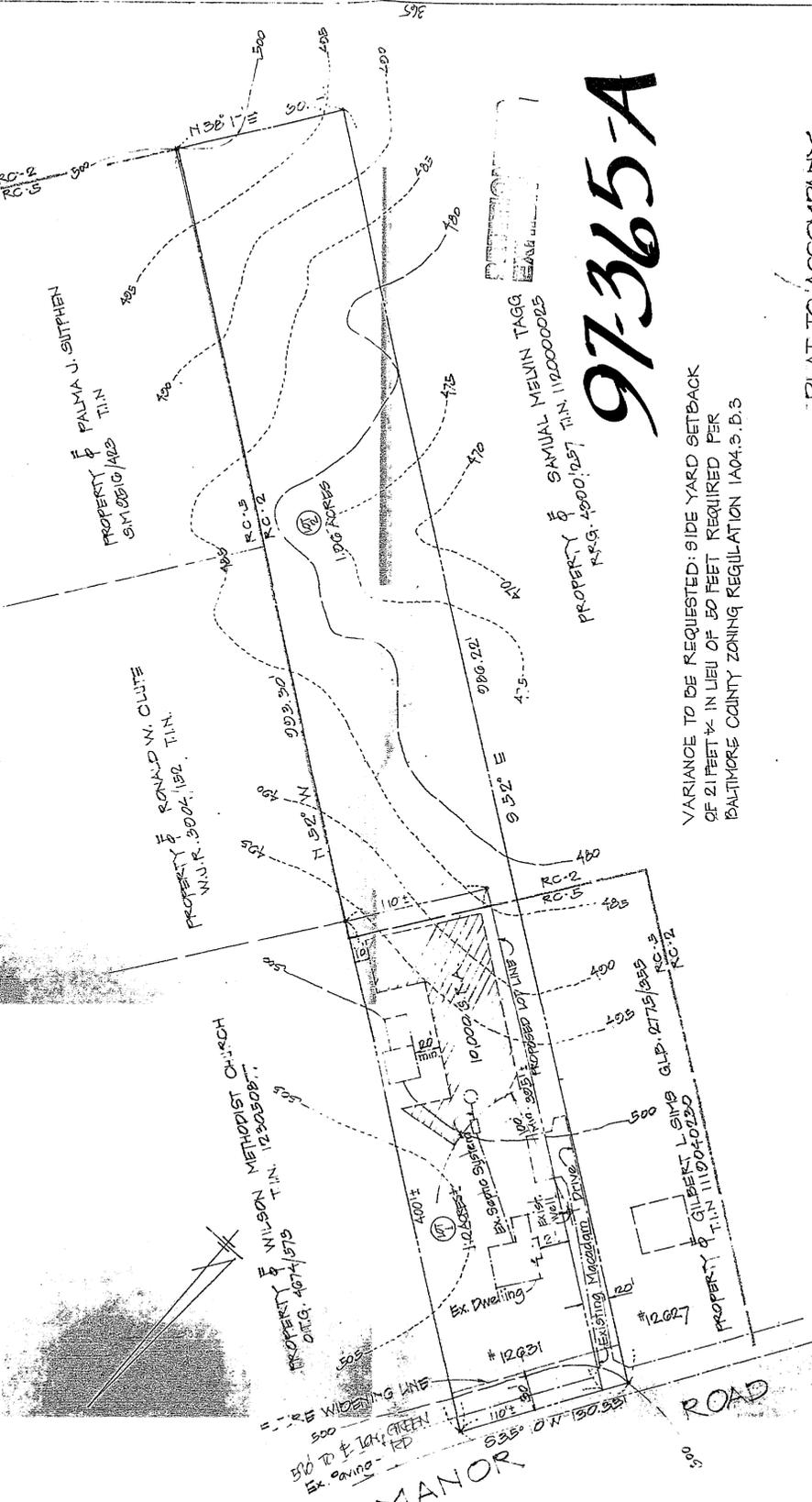
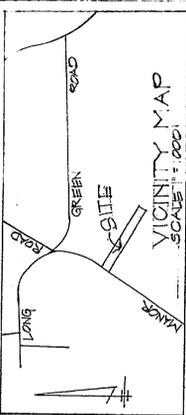
1. Petitioner says zoning is "R.C.-5/R.C.-2"; folder says zoning is "R.C.-5", which is correct??
2. Sign form is incomplete.

3/5/97



**GENERAL NOTES**

- 1. PROPERTY ..... 2.06 ACRES ±
- 2. ZONE ..... RC-3 & RC-2
- 3. WELL-SEPTIC SYSTEM
- 4. IS NOT IN A FLOOD PLAIN, NO PRIOR ZONING HEARINGS ON THIS SITE
- 5. ZONING MAP (200 SCALE) - NE 10 E
- 6. CITY COUNCILMANIC DISTRICT



**97-365-A**

VARIANCE TO BE REQUESTED: SIDE YARD SETBACK OF 21 FEET IN LIEU OF 50 FEET REQUIRED PER BALTIMORE COUNTY ZONING REGULATION 1A04.3.D.3

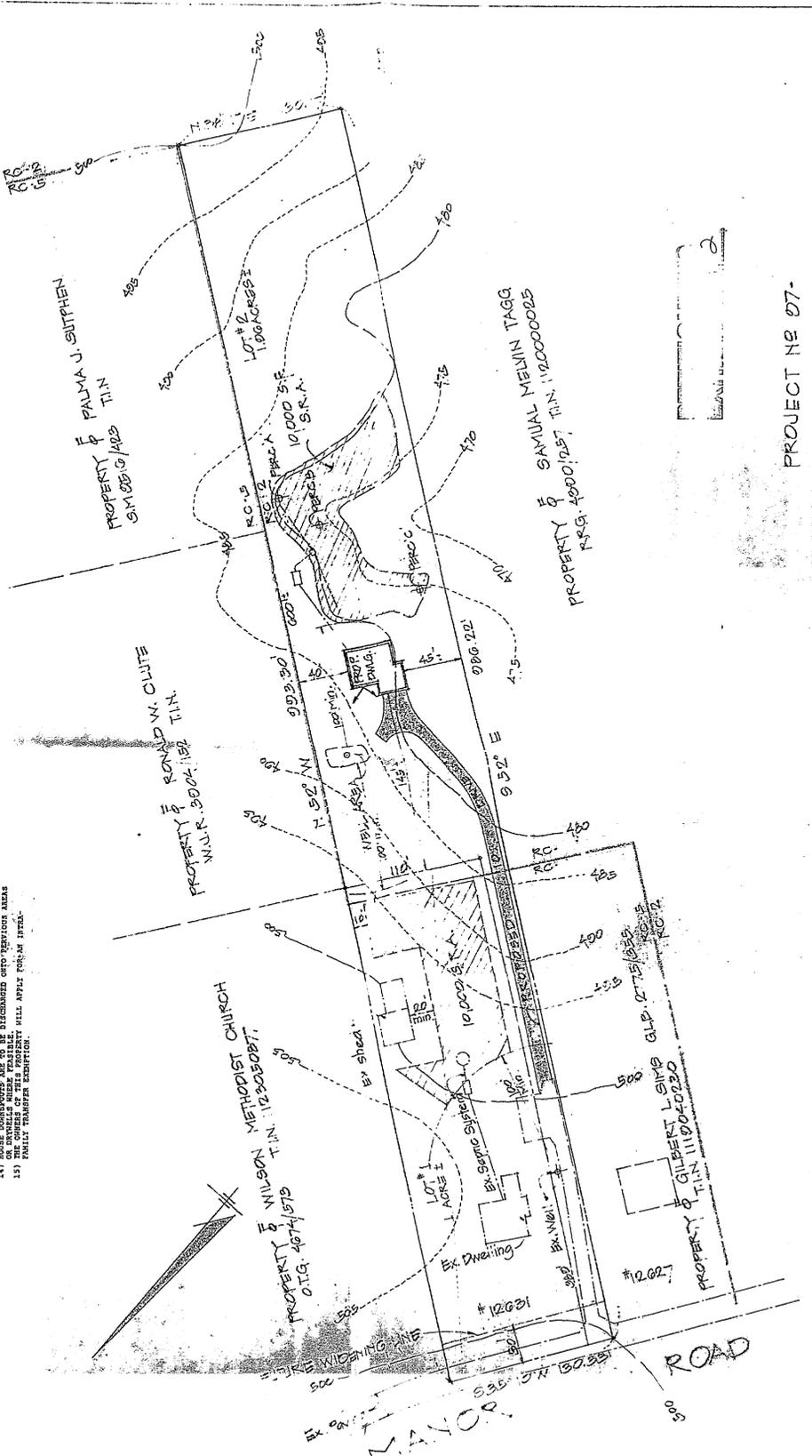
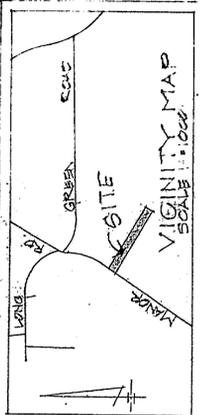
**PLAT TO ACCOMPANY APPLICATION FOR ZONING VARIANCE**

PROPERTY OF  
**LEWIS BREIDENBAUGH**  
1111 ELECTION DISTRICT, BALTIMORE COUNTY, MD  
SCALE: 11"=50'  
FEBRUARY 24, 1997

OWNER:  
**LEWIS J. BREIDENBAUGH**  
12021 MANOR ROAD  
FORK, MARYLAND  
PHONE: 410-592-7302

PREPARED BY:  
**E.F. RAFFERT ASSOCIATES**  
REGISTERED PROFESSIONAL LAND SURVEYOR  
1225 COURT AND AVENUE • TOWSON, MD 21204  
PHONE (410) 925-2902

- GENERAL NOTES**
- 1) THERE ARE NO EXISTING SEPTIC SYSTEMS OR EXISTING WELLS ON THE PROPERTY.
  - 2) THERE ARE NO EXISTING WELLS OR SEPTIC SYSTEMS ON THE PROPERTY.
  - 3) THERE ARE NO EXISTING WELLS OR SEPTIC SYSTEMS ON THE PROPERTY.
  - 4) THERE ARE NO EXISTING WELLS OR SEPTIC SYSTEMS ON THE PROPERTY.
  - 5) THERE ARE NO EXISTING WELLS OR SEPTIC SYSTEMS ON THE PROPERTY.
  - 6) THERE ARE NO EXISTING WELLS OR SEPTIC SYSTEMS ON THE PROPERTY.
  - 7) THERE ARE NO EXISTING WELLS OR SEPTIC SYSTEMS ON THE PROPERTY.
  - 8) THERE ARE NO EXISTING WELLS OR SEPTIC SYSTEMS ON THE PROPERTY.
  - 9) THERE ARE NO EXISTING WELLS OR SEPTIC SYSTEMS ON THE PROPERTY.
  - 10) THERE ARE NO EXISTING WELLS OR SEPTIC SYSTEMS ON THE PROPERTY.
  - 11) THERE ARE NO EXISTING WELLS OR SEPTIC SYSTEMS ON THE PROPERTY.
  - 12) THERE ARE NO EXISTING WELLS OR SEPTIC SYSTEMS ON THE PROPERTY.
  - 13) THERE ARE NO EXISTING WELLS OR SEPTIC SYSTEMS ON THE PROPERTY.
  - 14) THERE ARE NO EXISTING WELLS OR SEPTIC SYSTEMS ON THE PROPERTY.
  - 15) THERE ARE NO EXISTING WELLS OR SEPTIC SYSTEMS ON THE PROPERTY.



PREPARED BY:  
**E.F. RAFFERT ASSOCIATES**  
REGISTERED PROFESSIONAL LAND SURVEYOR  
1225 COURT AND AVENUE • TOWSON, MD 21204  
PHONE (410) 925-2902

OWNER:  
**LEWIS J. BREIDENBAUGH**  
12021 MANOR ROAD  
FORK, MARYLAND  
PHONE: 410-592-7302

PROJECT NO 07-  
MINOR SUBDIVISION PLAN OF  
**LEWIS J. BREIDENBAUGH PROPERTY**  
1111 ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND  
SCALE: 11"=50'  
MARCH 17, 1997